

REMARKS

By this amendment, claims 5, 8, 9, 17-22 have been amended. Claims 4 and 13 stand withdrawn. Accordingly, claims 2-3, 5, 8-12, 14, 17-22 are currently under examination, of which claims 19 and 21 are independent claims. Applicant respectfully submits that the above amendments do not add new matter to the application and are fully supported by the specification at least at page 7, lines 14-21.

In view of the above amendments and the following Remarks, Applicants respectfully request reconsideration and timely withdrawal of the pending rejections for the reasons discussed below.

Rejections Under 35 U.S.C. §102

Claims 2, 3, 10-12, 19 and 20 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,655,633 to Chapman, Jr. ("Chapman"). Applicants respectfully traverse this rejection for at least the following reasons.

Claims 19 is directed to structural composite sandwich comprising a micro multi-void core having two planar surfaces and including a plurality of continuous, parallel, longitudinal channels; and at least one layer of a composite stiffening material attached to each of said two planar surfaces, wherein said composite stiffening material comprises a continuous fiber metal matrix composite tape.

Chapman is directed to a fiber reinforced composite structure that includes a metal matrix composite that is wound about a tubular core. Since, at a minimum, Chapman does not disclose metal matrix composite tape having continuous reinforcing fibers, Chapman does not disclose all the features of claim 19.

Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claim 19 based on Chapman. Claims 2, 3, 10-12, and 20 depend from claim 19 and for the reasons claim 19 is not anticipated by Chapman, Applicants respectfully submit that claims 2, 3, 10-12, and 20 are not anticipated by Chapman.

Since none of the other prior art of record discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claim 19, and all the claims that depend therefrom are allowable.

Rejections Under 35 U.S.C. §102/§103

Claims 5, 8, 9, 14, 17, 18, 21, and 22 stand rejected under 35 U.S.C. §102(e) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Chapman. Applicants respectfully traverse this rejection for at least the following reasons.

Claims 19 and 21 each require, among other things, continuous fiber metal matrix composite tape. As discussed above Chapman is directed to a fiber reinforced composite structure that includes a metal matrix composite that is wound about a tubular core. Since, at a minimum, Chapman does not disclose metal matrix composite tape having continuous reinforcing fibers, Chapman does not disclose all the features of claims 19 and 21. Claims 5, 8, 9, 14, 17, and 18 depend from claim 19. Claim 22 depends from claim 21. Since Chapman does not disclose all the features of independent claims 19 and 21, Applicants respectfully submit that claims 5, 8, 9, 14, 17, 18, 21, and 22 are not anticipated by Chapman. Applicants respectfully request withdrawal of the 35 U.S.C. §102(e) rejection of claims 5, 8, 9, 14, 17, 18, 21, and 22 based on Chapman.

Further, Chapman fails to teach or suggest the use of continuous fiber reinforced metal matrix composite tape on sides of a multi-channel core as required by claims 19 and 21. As discussed above Chapman is directed to winding the fibers around the multi-channel core. Accordingly, Applicants respectfully submit that Chapman fails to teach or suggest all the elements of claims 19 and 21. Accordingly, Applicants respectfully submit that claims 19, 21 and all the claims that depend therefrom are not obvious over Chapman.

For at least the above reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. §103 rejection of claims 5, 8, 9, 14, 17, 18, 21, and 22 based on Chapman.

Since the none of the other prior art of record, whether taken alone or in any combination, discloses or suggests all the features of the claimed invention, Applicants respectfully submit that independent claims 19 and 21, and all the claims that depend therefrom are allowable.

Double Patenting

Claims 2, 3, 5, 8-12, 14, 17-22 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over copending Application No. 11/000,521. Application No. 11/000,521 is currently commonly owned with the present application. Accordingly, Applicants respectfully request that this rejection be held in abeyance until the allowance of currently pending claims.

Conclusion

A Petition for a three (3)-month extension of time under 37 C.F.R. §1.136(a) is filed herewith extending the period for response through February 10, 2005. It is not believed that any

further extensions of time are required other than those in the accompanying Petition. If extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. §1.136(a). Applicants believe that no further fees for net addition of claims are required at this time. Any fees required for extensions of time and any fees for the net addition of claims are hereby authorized to be charged to our Deposit Account No. 50331.

Applicants believe that a full and complete response has been made to the pending Office Action and respectfully submit that all of the stated objections and grounds for rejection have been overcome or rendered moot. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact the Applicant's undersigned representative at the number below to expedite prosecution. Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,



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